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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,311	06/27/2001	Mark A. Clark	999960.48069	1648

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EXAMINER

ZHU, JERRY

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,311

Applicant(s)

CLARK ET AL.

Examiner

Jerry Zhu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/20/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicants remarks filed on March 2, 2005 have been reviewed by Examiner.

Specifically, Applicant has two arguments:

Argument 1

Applicant argues:

Oloniskin teaches a method of determining whether there is a change or escalation in violence or danger. This information is limited to indicating whether or not a change in conflict exists. In contrast, claim 1 recites a method of determining the rate of change that may occur over a period of time. Thus, it may allow a prediction of the intensity of a conflict at a certain period of time. Accordingly, Mumpower operates to anticipate the potential conflict in a country, and not to determine the rate of change in a state of conflict. Because Mumpower does not serve to determine the rate of change in the state of conflict, Mumpower does not teach all the elements of the present invention.

Examiner agrees that the rate of change is not taught in the references cited as the basis of rejection. Examiner has selected a new primary reference "Event Data in Foreign Policy Analysis" by Philip Schrodtt (Schrodtt) to reconsider both original and amended claim rejections.

Argument 2

Applicant argues:

There is no motivation of one skilled in the art to combine the cited reference. For example, Afghanistan teaches a method of providing a travel warning when a conflict has already occurred. The present invention, on the other hand, predicts how much conflict may raise before it actually occurs. Consequently, one skilled in the art would not be motivated to combine Mumpower, Olonisakin, and Afghanistan.

Afghanistan is cited not for predicting possible violence but is cited for illustrating the element of internet search and acquiring government information from the Internet. The prediction of how much conflict may raise before it actually occurs is taught both by

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Mumpower (page 51, the last paragraph, "anticipating risks emanating from...").

Examiner has selected a new primary reference and hence changes the ground of rejection. Below is the rejections based on the new primary reference.

Claim Objections

Claims 11

3. Claim 11 is objected to because it is identical to claim 7. Applicant is required to cancel the claim, or amend the claim to differentiate claim 11 from claim 7.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 5-6, 14 rejected under 35 U.S.C. 102(a) as being anticipated by Philip Schrod, "Event Data in Foreign Policy Analysis" (Schrod). Specifically,

Claim 1

2. Schrod teaches a method of conflict assessment (page 2, fourth paragraph, *event data* is the method to measure the phenomena) using a relational database stored on a source medium loaded onto a computer system, (page 2, last paragraph; databank event data set is relational database; page 8, second paragraph where it says "event data collections were assembled." Assembled data is a relational

database. The use of computer systems is anticipated at page 5, paragraph 4.)

comprising:

- Selecting a country and time period to analyze (page 2, last paragraph, the selected country is Soviet Union with time period 1948-1978. It is inherent to select a country if conflict assessment is to be conducted. This inherency is anticipated by reference Mumpower as cited in the first office action.)
- Determining if the database contains enough information to perform a base assessment of the selected country (page 8, last paragraph. Data sets already existed are used and new data sets are also created which determines that the database does not contain enough information.);
- Gathering up-to-the-moment information by Internet searches (page 5, first paragraph, *The New York Times* is a newspaper that is available on the Internet);
- Analyzing the information to determine the level of conflict indicators (page 2, paragraph 4, reported interaction is the indicator and the score is the determined level.)
- Factoring the present state of each indicator (page 5, paragraph 2; the categories of events are indicators) and the indicators' cumulative value against past conflict assessment by determining the rate of change in the state of conflict (page 4, paragraph 3; It cites "the time series gives a more exact measure of the patterns of events over time," hence it measures historically and statistically the event value. These events include event code

21143 the "Change in Combat Force Level" on Table 4 at page 12. So it measures over time the change, or rate, of change in combat force level, or the state of conflict.) and the differences in the contributing factors;

- Outputting the assessment data results for a user to view (page 3, figure 1.)

Claims 5-6

3. Official notice is taken of the fact that data maybe stored on a 3 ½ inch diskette or a CD-ROM disk when a computer system is used (page 5, paragraph 4).

Claim 14

4. Schrodte teaches a method of conflict assessment, (page 2, fourth paragraph) containing a relational database of information relating to indicators. (page 2, last paragraph; databank event data set is relational database; page 8, second paragraph where it says "event data collections were assembled." Assembled data is relational database.) (These datum are variables, see page 2, first paragraph, that provide rough indication of the level of conflict, see page 2, forth paragraph, and these variables stored in database relates to indicators.)
 - Updating the database with current information (page 8, last paragraph, page 9 first paragraph.)
 - Analyzing the information to determine a plurality of level of conflict indicator for a country (page 8, paragraph 3; page 3, all paragraphs.)
 - Determining a rate of change of conflict in the country (page 4, third paragraph)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodts as applied to claim 1 above and further in view of Brandt, "Evaluating Information on the Internet" (Brandt)

Claims 2-4

5. (claim 2) The step of determining if the database contains enough information in claim 1 comprising:
 - Searching all pre-determined online sources (page 5, paragraphs 1-2. the sources are identified, hence pre-determined, page 8, paragraph 2, "event data collections were assembled" hence searched from predetermined online sources.)
 - Search database files (page 10, last paragraph. The COPDAB data set is the database.)

- (claim 3) the database files include categories of government, people, economy, geography, communication/transportation, military, health, domestic security, and international areas (page 11, paragraph 1 and 2. the events include political, economic or culture etc.)
 - Determining the information reliability comprising:
 - (claim 4) corroborating information, determining computational relationships, identifying information holes and determining source reliability ratings (Brandt, page 3)
6. Schrodte teaches collecting information from variety sources including online. Schrodte does not teach ways of determining the information reliability. Brandt teaches ways of evaluating information on the Internet by checking reliability and credibility of the information for the purpose of ensuring that the information is authoritative and reliable. (page 3)

It would have been obvious for one of ordinary skills in the art at the time of the invention by applicant to search online and other information source, store them in database, and evaluate both quality and completeness of the information as taught by Brandt for the purpose of ensuring that the information is authoritative and reliable, so that Schrodte's data both authoritative and reliable.

Claim 7

5. Claims 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodts as applied to claim 1 above and further in view of Carnegie Mellon University, "Commercial Software Models." (CMU) Specifically,
6. Schrodts teaches a step of determining the level of indicators of selected country in the method taught in claim 1. Schrodts fails to teach the detail steps how to determine the level of indicators. CMU teaches a Weighted Factors Approach that has the detail steps of determining the level of indicators. The steps comprise:
 - Determining indicator rankings (Page 41, Figure 6-17, the table teaches the ranking of the indicators)
 - Determining each indicator's weighted values (Page 40 last paragraph, Page 41, Figure 6-17, the table teaches the weights of the indicators)
 - Determining the presence of anomalies that effect the ranked indicators (page 53, the eighth bullet of Evidence of Credibility)
8. One of the ordinary skills in the art would have provided the Weighted Factors Approach taught by CMU for the purpose of determining the level of indicators for the selected country taught by Schrodts. As a result it would have been obvious to one of ordinary skills in the art at the time of applicants' invention to further implement the invention taught by Schrodts for determining the levels of indicators using Weighted Factors Approach as taught by CMU as set forth above.

Claim 10

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mumpower, Afghanistan and Olonisakin as set forth above and further in view of Apgar U.S. Patent No. 5,680,305 (Apgar). Mumpower, as modified above, discloses the method of applicant's claimed invention but does not specify the steps of a computer program to implement the method. Apgar teaches the steps of loading or inputting information into the computer, abstract, process actuators, one code segment accepts and recognizes data input col. 15, lines 60-66. One code section determines if the internal database contains enough information, col.16, line 49-60. The program will gather assessment, col.16, lines 49-60. A base assessment is not defined within the body of the claim and is thus considered to vary as the needs of the user varies much the same as applicant's program user. One code section performs the analysis and outputs the information; col. 16, lines 56-63. It is considered that given that modified Mumpower's method, the code segments for comparing the indicator values and determining the rate of change are known. It would have been obvious to a person having ordinary skill in the art tat the time of applicant's invention to have modified Mumpower to be a computer program as taught by Apgar for the purpose of providing business with a system for efficiently assisting in the decision making process.

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7. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodts as applied to claim 1 above and further in view of Carnegie Mellon University, "Commercial Software Models." (CMU) Specifically,
9. Claim 11 contains the elements from claim 1 and elements from claim 7, hence the rejection is the same as cited in the rejection of claim 1 and claim 7.

Claims 15-19

8. Claims 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodts as applied to claim 14 above and further in view of Pauline Baker at "Session III: Democracy and Governance: Justice and Security" (Baker) teaches indicators that comprise:
 - (claim 15) legacy of vengeance-seeking group grievance or group paranoia (list# 3)
 - (claim 16) criminalization and/or delegitimization of the country (list# 7)
 - (claim 17) security apparatus (list# 10)
 - (claim 18) rise of factionalized elites (list# 11)
 - (claim 19) intervention of other states (list# 12)

Schrodts teaches event data method to measure conflict situation using systematically measured variables by identifying sources of news (page 1, paragraph 1 and 4) and teaches the creation of relevant data for the variables (page 5, paragraph 1). Schrodts does not limit particular sources of news and variables,

hence does not teach the data variables listed in claims 15-19 such as criminalization. One ordinary skill in the art at the time of invention would have used the method taught by Schrodts to identify information source and select related variables as listed in claims 15-19 taught by Baker.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1, 8, 9-13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.
11. The step of analyzing the present information to determine the level of conflict indicators or indicator analysis in claims 1, 10, and 11 do not teach what are and how to derive the indicators. Indicators are the foundation the method is based. The choice of the event source (the sources where the indicator values are collected and calculated) can have a substantial effect on the number and type of events reported. (Schrodts, page 5, first paragraph) Claims 1, 10, and 11 does not teach the criteria of choosing the sources of data and how the indicators are selected by whom

based on what. Are the indicators predefined and can be used regardless of time period and geographic region? Or the indicators are situational and subject to change from time to time and place to place? Claims 1, 10, and 11 neither teach what the indicators are nor teach how to acquire them. One ordinary skill in the art would not know how to enable the claimed invention. Claims 1, 10, and 11 are clearly rejected on 35 U.S.C. 112, first paragraph.

12. Claims 8 and 12 teach five-stage process (a framework is a process) and do not elaborate what the steps are in the process. One ordinary skill in the art would not be able to placing composite values onto a conflict assessment framework without knowing what the framework is.

13. Claims 9 and 13 teach five stages. The claims only teach the title of the stage without teaching how to carry out each of the stage in the framework. For instance, what are the actions to carry out the stage of transition and the stage of transformation of the State. How to know the actions taken in the stages will achieve intended results? How are we sure that the State will be transformed? A State is a social system just like a family in a different scale. Can any dysfunctional family be transformed into a healthy and loving family in controllable and predictable way through a framework of five stages? Applicants do not provide reasonable scientific justification or proof that framework will work as well as how to carry out the framework. What is the scientific discipline or theory the invention is based? Is the theory proper or suitable to solve the problem situation set forward by the invention? Are there any other theories at the time of the invention in the scientific community

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that address similar world problem? If there are other theories, why and how the chosen theory is better or more enable than other available theories? Applicants do not provide enough information that will enable an ordinary skill in the art to apply the framework without doubt. Claims 8-9, and 12-13 are clearly rejected on 35 U.S.C. 112, first paragraph.

Conclusion

The following references are considered to be pertinent to applicant 's disclosure.

Lahore, "New twist suspected in conduct of terrorist attacks," November 05, 2000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Zhu whose telephone number is (571) 2724237.

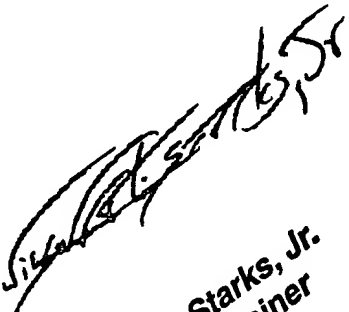
The examiner can normally be reached on 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerry Zhu
Examiner
Art Unit - 2121
Thursday, May 12, 2005



Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121